

REINER FISCHER ET AL.
USSN 08/470,563
REPLY TO OFFICE ACTION DATED JUNE 11, 2003
AMENDMENT DATED DECEMBER 11, 2003

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

At the outset, Applicants acknowledge with appreciation the Examiner's indication that the claims are allowable in substance. In response to the rejections and objections made, Applicants have replaced the previous claims by a new set of claims.

For the Examiner's convenience, Applicants point out that the new claims correspond to the previous claims as follows:

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<u>New Claim</u>	<u>Previous Claim</u>
36	29 + 30
37	31
38	10
39	11
40	12
41	13
42	14
43	18
44	20
45	35
46, 47	3, 15
48	4, 16
49	17
50	5
51	5 + 17
52	32 + 30
53	33 + 30
54	34 + 30

Applicants do not believe that the new claims introduce any new matter.

As compared to the previous claims, the new claims contain some minor differences.

Claim 30 in the third paragraph on page 7 of the Preliminary Amendment dated September 6,

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1995, recited “C₃-C₇-cycloalkyl-C₁-C₃-cycloalkyl-C₁-C₃-alkyl,” but this is believed to be an obvious typographical error and has been replaced in new claim 36 by ““C₃-C₇-cycloalkyl-C₁-C₃-alkyl.” This is consistent with, for example, the last two lines of the first paragraph on page 12 of that same Preliminary Amendment. The formula in previous claim 32 depicted the variable “R¹²,” but the body of the claim defined the variable “R¹⁴.” Also, the formula in previous claim 34 depicted the variable “R⁸⁻²,” but the body of the claim defined the variable “R⁸.” Also, the body of claim 34 contained a definition of “R⁶ and R⁷,” which needed to be deleted. The corresponding new claims correct these informalities, and, again, are not believed to introduce new matter.

Claims 29 and 32-34 were rejected under 35 USC § 112, first paragraph, as being broader than the enabling disclosure. In response, Applicants point out that new claims 36 and 52-54, which correspond to claims 29 and 32-34, respectively, contain the carbon atom limitations of claim 30, which was not subjected to this rejection. Accordingly, new claims 36 and 52-54 should be free of this rejection. An early notice to that effect is earnestly solicited.

Claims 5 and 30 were rejected under 35 USC § 112, second paragraph, as being indefinite. In response, Applicants point out that new claims do not include the phrase “in particular”; and the spelling of the term “locus” has been double-checked. Accordingly, Applicants believe the new claims are free of this rejection as well. An early notice to that effect

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is also earnestly solicited.

Claim 15 was objected to as being too close to the top margin. In response, Applicants believe the cancellation of claim 15 moots this objection. An early notice to that effect is earnestly solicited.

The abstract of the disclosure was objected to as being too long. In response, there is submitted a new abstract on a separate sheet.

Finally, the specification was objected to as lacking a proper and complete statement of the priority benefit sought. In response, Applicants have amended the specification to include a new first paragraph containing the proper and complete statement.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

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Early and favorable action is earnestly solicited.

Respectfully submitted,

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By

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 and the accompanying Abstract of the Disclosure and Petition for Extension of Time (35 pages total) are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: December 11, 2003

By:

Kurt G. Briscoe